

Notice of Allowability

Application No.

09/582,094

Examiner

Thong Q Nguyen

Applicant(s)

KITAMURA ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 9/7/04 and Interview of 9/15/04.
2. ☒ The allowed claim(s) is/are 11-13, 15, 18 and 21 which are renumbered as claims 1-6.
3. ☒ The drawings filed on 22 June 2000 and 22 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/30/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

THONG NGUYEN
PRIMARY EXAMINER
GROUP 2800

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment after final filed by applicant on 9/7/2004. It is noted that in the mentioned amendment, applicant has made amendments to claims 12, 18 and 21 and canceled claim 14.

Election/Restrictions

2. Each of claims 11, 13, and 15 is directed to an allowable product. The applicant has made amendments to non-elected claim 12, and as a result, the claim 12 is now directed to a product having the same scope as that recited in each of claims 11, 13 and 15. Pursuant to the procedures set forth in the Official Gazette, claim 12 previously withdrawn from consideration as a result of a restriction requirement, is now subject to being rejoined. The remaining claims 1-10 and 19 are not directed to the device having the allowable subject of each claims 11-13 and 15 will not be rejoined.

3. This application is in condition for allowance except for the presence of claims 1-10 and 19 to an invention non-elected in the reply filed on 8/7/2002. A telephonic interview to applicant's representative on 9/15/2004 has resulted that the applicant has agreed to cancel claims 1-10 and 19.

Information Disclosure Statement

4. The information disclosure statement filed on 1/30/2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in

the English language. It has been placed in the application file, but the information referred to therein has not been considered.

In particular, each of the Japanese reference Nos. 50-25281 and 7-16150 has not been considered because each does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

Drawings

5. The drawings contain corrected figures 3, 12, 13 and 24 were received on 1/22/04. These drawings are approved by the Examiner. Applicant is advised that the drawings contain figures 1-2, 4-11, 14-23 filed on 6/22/2000 and the drawings contain figures 3, 12-13 and 24 filed on 1/22/2004 are the drawings of the application to be printed when the application is issued.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas E. Brown on 9/15/2004.

The application has been amended as follows:

In the Claim(s): ***CANCEL CLAIMS 1-10 AND 19.***

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Allowable Subject Matter

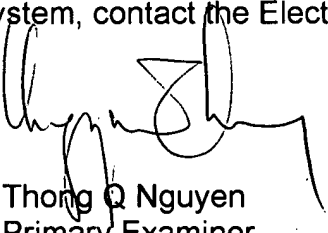
7. Claims 11-13, 15, 18 and 21 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q Nguyen
Primary Examiner
Art Unit 2872
